

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ANITA A. G.,

Plaintiff,

v.

Civ. No. 24-964 GBW

LELAND DUDEK, *Acting Commissioner of the
Social Security Administration*¹,

Defendant.

**ORDER GRANTING UNOPPOSED MOTION FOR ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT**

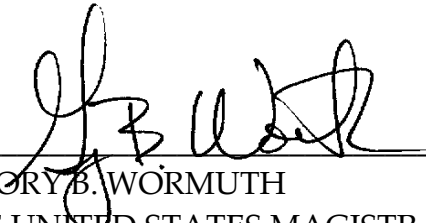
THIS MATTER comes before the Court on Plaintiff's Unopposed Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, with Memorandum in Support. *Doc. 14*. The parties have stipulated to an award of \$602.40 in attorney fees and \$0.00 in costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA").

IT IS HEREBY ORDERED that Plaintiff is awarded \$602.40 in attorney fees and \$0.00 in costs under the EAJA. The EAJA fees will be paid to Plaintiff but delivered to Plaintiff's attorney. *See Astrue v. Ratliff*, 560 U.S. 586, 595-98 (2010); *Manning v. Astrue*,

¹ Leland Dudek is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil procedure, Leland Dudek should be substituted for Commissioner Martin O'Malley as the defendant in this suit.

510 F.3d 1246, 1255 (10th Cir. 2007); *Brown v. Astrue*, 271 F. App'x 741, 743-44 (10th Cir. 2008) (unpublished).

IT IS FURTHER ORDERED that, if Plaintiff's attorney ultimately receives an award of attorney fees pursuant to 42 U.S.C. § 406(b), said attorney must refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986). The award is subject to the offset provisions of the EAJA. *See* 28 U.S.C. § 2412(c)(1).



GREGORY B. WORMUTH
CHIEF UNITED STATES MAGISTRATE JUDGE
Presiding by Consent